

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>MARK-ALONZO WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:17-CV-251</b>
	)	
<b>MICHAEL D. OVERMYER, et al,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on September 18, 2017. Ultimately, the matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Following a period of discovery, no summary judgment motion was filed by Defendants. Magistrate Judge Lanzillo, “mindful of the fact that exhaustion is a mandatory prerequisite to filing a civil rights action in federal court and noting the existence of serious questions as to whether Plaintiff properly exhausted any of his claims,” held an evidentiary hearing pursuant to *Smalls v. Camden County*, 728 F.3d 265 (3d Cir. 2013) to determine whether Plaintiff’s claims were exhausted. ECF No. 417, page 3.

On June 6, 2023, Judge Lanzillo issued a Report and Recommendation recommending that Plaintiff’s Second Amended Complaint be dismissed in part for failure to properly exhaust administrative remedies in accordance with the requirements of the Prison Litigation Reform Act. ECF No. 417.

Objections to the Report and Recommendation were due by June 23, 2023, at the latest. As of today's date, no objections have been filed.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2). After *de novo* review of the Report and Recommendation and other documents in the case, the following order is entered:

AND NOW, this 29th day of June 2023;

IT IS ORDERED that Plaintiff's Second Amended Complaint be dismissed, in part, due to his failure to exhaust administrative remedies in accordance with the requirements of the PLRA. Specifically, all claims except those based on Administrative Custody Grievance B978002 are dismissed with prejudice.

IT IS FURTHER ORDERED that the Clerk terminate Defendants Michael Overmyer, David Reddinger, Jacob Barnes, Tracy Williams, Bradley Avenali, (John Doe) Smead, James Barnacle, and Justin Davis.

AND IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on June 6, 2023 [ECF No. 417] is adopted as the opinion of the court.

Trial will be scheduled on Plaintiff's claims related to Administrative Custody Grievance B978002 against Defendants Sawtelle, Conrad, Blich, and Oberlander.



SUSAN PARADISE BAXTER  
United States District Judge